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ATTORNEY DOCKET NO. 10050560-1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): John Wyrick

Serial No.: 10/032,281

Examiner: Jeffrey Norman Fredman

Filing Date: December 21, 2001

Group Art Unit: 1637

Title: GENOME WIDE LOCATION AND FUNCTION OF DNA BINDING PROTEINS

COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria VA 22313-1450

TERMINAL DISCLAIMER  
RESPONSIVE TO A DOUBLE PATENTING REJECTION

Sir:

Petitioner, Agilent Technologies Inc., is the owner of 100 percent interest in the instant application. Petitioner hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173 as shortened by any terminal disclaimer of prior Patent No. 6,410,243 to Agilent Technologies Inc., which issued on 06-25-2002 and is commonly owned by Applicant. Petitioner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, petitioner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent as shortened by any terminal disclaimer filed prior to the patent grant, in the event that any such granted patent: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

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07/25/2006 GWORDOF1 00000067 501078 10032281

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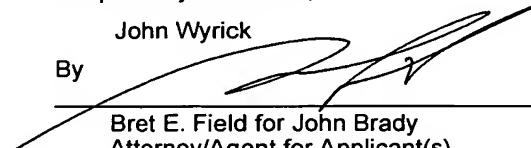
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Respectfully submitted,

John Wyrick

By

  
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